

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**BRIAN WYNN, JOHN WILLIAMS,  
AWILDA GUZMAN, JOSE OTERO,  
KEVIN FULTON, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,**

**ECF CASE**

**Plaintiffs,**

**14 Civ.2818 (SAS) (SN)**

**-against-**

**NEW YORK CITY HOUSING AUTHORITY,  
and UNION LOCAL 237, I.B.T.**

**REPLY  
DECLARATION OF  
LEE NUWESRA**

**Defendants.**  
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**LEE NUWESRA**, an attorney duly admitted to practice in the Southern District of New York, declares pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Principal of the Law Offices of Lee Nuwesra, attorney for Plaintiffs in the above-captioned matter. I submit this Reply Declaration in Further Support of Plaintiffs' Motion for Class Certification.

**PROCEDURAL HISTORY**

2. On 4-24-2014, named Plaintiffs filed their initial lawsuit for discriminatory pay disparity, against their employer Defendant New York City Housing Authority (hereinafter "NYCHA").

3. On 7-17-2014, Defendant NYCHA filed a Motion to Dismiss, pursuant to Federal Rule of Civil Procedure 12(b).

4. On 5-29-2015, Defendant NYCHA's Motion to Dismiss was fully briefed.

5. During the Briefing of Defendant NYCHA's Motion, it was learned that Co-Defendant Union was complicit with NYCHA with regard to Plaintiffs' discriminatory pay disparity, during the relevant time period.

6. It was also learned that, during the same relevant time period, 4-10-2010 to present and continuing, there were between 100-200 other similarly situated Plasterer Helpers.

7. Accordingly, Plaintiffs sought permission from the Court to amend their complaint to, amongst others: (a) bring the instant case as a class action; and (b) add their Union, Local 237 I.B.T., as a Co-Defendant.

8. On 7-29-2015, amongst others, the instant Honorable Court granted Plaintiffs leave to amend their Complaint, pertaining to paragraph 7 (a) and (b) above.

#### **PLAINTIFFS' AMENDED COMPLAINT**

9. On 8-11-2015, Plaintiffs timely filed their Amended Complaint.

10. On 8-24-2015, the Parties appeared before the instant Honorable Court, for an Initial Pre-Trial Conference ("IPTC").

11. At the IPTC, amongst others, the Court instructed that Plaintiffs' Class Certification Motion be filed by 11-1-2015, and that said Motion be fully briefed by 12-21-2015.

12. The Court further instructed that Plaintiffs serve their initial document requests, by 9-23-2015, and that Defendants respond, and provide the relevant documents, by 10-23-2015.

13. Accordingly, Plaintiffs served Defendant NYCHA Two (2) contemporaneous Document Requests. The First Request sought documents pertaining, solely, to the named Plaintiffs. The Second Request sought documents pertaining to the Class Members.

14. On 10-23-2015, Defendant NYCHA timely responded to Plaintiffs' Requests. However, it only provided Plaintiffs with documentations pertaining to the First Document Requests.

15. With regard to Plaintiffs' Second Document Request, Defendant NYCHA objected to Plaintiffs' three (3) individual requests on the grounds that they are overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and confidential. **(Attached hereto, as Exhibit "E", is Defendant NYCHA's Relevant Responses and Objections, to said requests, dated 10-23-2015).**

16. Moreover, to deal with NYCHA's concern regarding the Confidential Nature of certain documents, on 11-27-2015, the undersigned Plaintiffs' attorney proposed to Defendants' respective Counsel, to have a telephone conference, to discuss a "Confidentiality Protective Order". I am yet to hear from them, regarding same.

#### **ADEQUACY OF LEGAL REPRESENTATION**

17. I, the undersigned, Plaintiffs' attorney of record was admitted to the New York State Bar in August 1992 and am in good standing.

18. I was admitted to the Southern District of New York in March of 1993. I am also admitted to the Eastern District of New York, the Second Circuit Court of Appeals, the Third Circuit Court of Appeals, and The United States Supreme Court.

19. Since January 1993, I have maintained a law practice within the City of New York.

20. Since January of 1993, the overwhelming majority of my practice (approximately 90%), has related to Labor, Employment and Civil Rights Litigation.

21. Since 2009, I have engaged in prosecuting and defending Collective/Class Actions, representing both Plaintiffs and Defendants.

22. My Young Assistant/Daughter advises me that in about 15 minutes, she was able to compile the attached 2 pages, indicating my engagement in 37 cases, in the Southern District of New York, from 12-13-2004 to 12-19-2015, reflecting that I was involved in at least Five (5) other Collective/Class Action cases. It took Shoshana, 16 years of age, another 15 minutes to also compile the annexed 1 page, reflecting my engagement in 19 cases in the Eastern District of New York, from 2004 to 2015. **(Please See Attached Exhibit “F”, consisting of 3 pages).**

Based on the foregoing, lead Plaintiffs, by the undersigned, respectfully request that this Honorable Court grant their Motion for Class Certification, and allow me to serve as Class Legal Counsel.

Dated: December 21, 2015  
New York, New York

By: /s/  
Lee Nuwesra, (LN5851)